



SB682, SD1, HD1
RELATING TO KAKAAKO
House Committee on Judiciary

March 20, 2012

2:45 p.m.

Room 325

The Office of Hawaiian Affairs (OHA) offers the following comments on SB682, SD1, HD1, which would allow two lots in the Kaka'ako Community Development District to be developed as residential properties that are exempt from public facilities fees; provided that at least 20 percent of the units are designated for residents in low- or moderate-income ranges.

OHA appreciates what we understand to be the intent of this measure, which is to add value to two parcels of land that are among the lands in Kaka'ako Makai that another bill, SB2783, would convey to OHA to resolve disputes and controversies relating to OHA's portion of income and proceeds from the public trust lands for the period November 7, 1978 through June 30, 2012.

The two parcels at issue are popularly identified as E and I on the now widely publicized maps of the properties to be conveyed. The right to develop residential structures on these two lots would add significant value. Furthermore, the bill would make it clear that OHA would not be subject to the HCDA charge of between three and four percent of the fair market value of the development as a condition of obtaining the development permit. Subsection (d) of section 15-23-73 of the Makai Area Rules states that the fee does not apply to public projects. The bill would remove any ambiguity as to whether this fee applies to OHA.

While OHA appreciates the effort to give OHA these enhanced entitlements to the two parcels, we respectfully urge your committees to ensure that SB682, SD1, HD1 does not impair passage of SB2783. We also note that once OHA becomes the landowner, OHA will be in a position to request entitlements for the SB2783 properties in subsequent legislative sessions. Finally, although OHA acknowledges that potential entitlement benefits will add significant value to parcels E and I, OHA remains committed to the guiding principles of the Conceptual Master Plan and will address these principles in any application for development permits for parcels E and I.

Mahalo for the opportunity to testify on this measure.



TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL TWENTY-SIXTH LEGISLATURE, 2012

ON THE FOLLOWING MEASURE:

S.B. NO. 682, S.D. 1, H.D. 1, RELATING TO KAKAAKO.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Tuesday, March 20, 2012

TIME: 2:45 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): David M. Louie, Attorney General, or
Charleen M. Aina, Deputy Attorney General

Chair Keith-Agaran, and Members of the Committee:

The Attorney General offers the following comments and provides suggested revisions to the H.D. 1 of this bill.

Section 206E-31.5(2), Hawaii Revised Statutes (HRS), prohibits any and all residential development in the Makai portion of the Kakaako Community Development District. This bill carves out two exceptions to this limitation. It allows residential development on two of the nine Kakaako Makai parcels that are proposed to be conveyed to the Office of Hawaiian Affairs (OHA) by S.B. No. 2783 (which is also being heard by the Committee today), and requires that at least 20 percent of the units in any residential development on the two parcels be dedicated as reserved housing under section 206E-101, HRS. The bill also excepts the two parcels on which residential development is permitted from the imposition of public facilities fees, pursuant to section 206E-12, HRS.

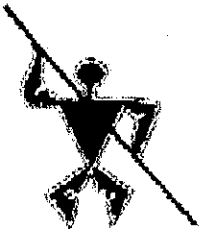
The Attorney General appreciates this bill's underlying objectives, and has no objection to its adoption by the House, as long as it is acceptable to the Legislature as a whole and does not impede passage of S.B. No. 2783. S.B. No. 2783 represents the best efforts of OHA, the Governor, and the Attorney General to craft a proposal to the Legislature to resolve the long-standing differences between OHA and the State about OHA's receipt of all of its portion of the income and proceeds from the public trust lands between November 7, 1978, and June 30, 2012.

When the bill was before the Committees on Hawaiian Affairs, and Water, Land, and Ocean Resources, we asked that two revisions to the S.D. 1 be made. We subsequently determined that the correct reference to the second of two parcels excepted from section 206E-31.5's prohibition against residential development is "tax map key (1) 2-1-15-61" rather than "lot

4 as shown on the map filed with the bureau of conveyances of the State of Hawaii as file plan 2335,” and ask this Committee to amend sections 2 and 4 of the H.D. 1 to that effect. We also suggest two further revisions to make more clear that (1) the two parcels excepted from section 206E-31.5’s prohibition are also excepted from the imposition of public facilities fees under section 206E-12, HRS, and (2) these exemptions apply only if this Legislature authorizes the two parcels’ transfer to OHA by passing S.B. No. 2783 to that effect. To make the first of these two revisions, we ask the Committee to insert the phrase “both of” after “which” on page 3, line 7, of the H.D. 1. To make the second revision, we ask the Committee to insert “upon its approval” between “effect” and “only” so that revise Section 4 would read as follows:

SECTION 4. This Act shall take effect upon its approval only if the legislature approves the transfer of lot 1 on file plan 2471 and tax map key (1) 2-1-15-61, to the office of Hawaiian affairs by passing S.B. No. 2783 before the regular session of 2012 adjourns sine die.

We respectfully recommend that the Committee make these suggested amendments.



Native Hawaiian Chamber of Commerce
P.O. Box 597
Honolulu, Hawai'i 96809

2011-2012 Directors

Dirk Soma, President
Karl Veto Baker, 1st V.P.
Marlene Lum, 2nd V.P.
Denise Iseri-Matsubara, Secretary
Leilani Williams-Solomon, Treasurer
Stephen Kaaa, Past President
John Aeto
Dana Hauanio
Mark Hee
Claire Hughes
Bruss Keppeler
Kaleo Paik
McD Philpotts
David Soong

For the Hearing of the House Committee on

Judiciary

Scheduled for Tuesday, March 20, 2012, at 2:45 p.m.
Conference Room 325, Hawai'i State Capitol

TESTIMONY OF DIRK SOMA, PRESIDENT
NATIVE HAWAIIAN CHAMBER OF COMMERCE

IN SUPPORT OF

SENATE BILL NO. 682, HD1

RELATING TO KAKAAKO

Aloha kākou;

Founded in 1974, the Native Hawaiian Chamber of Commerce (NHCC) strives to encourage and promote the interests of Native Hawaiians engaged in commerce, services and the professions NHCC members participate in a variety of economic, social and public affairs.

Our Mission

Mission Statement – To strengthen Native Hawaiian business and professions by building on a foundation of relationships, resources, and Hawaiian values.

In keeping with our mission, NHCC:

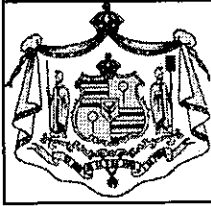
- Provides opportunities for networking among members, the people of Hawai'i and those engaged in business and industry.
- Serves as a means to organize the Hawaiian business community into a viable economic and social voice.
- Provides the necessary facilities for members' educational advancement in subject areas relevant to business, industry and commerce. Hawaiian Values & Principles of Conduct for NHCC Members

“The voice of Hawaiian business”

The Native Hawaiian Chamber of Commerce is **IN SUPPORT** of Senate Bill No. 682, House Draft No. 1, which would allow two lots in the Kakaako Community Development District to be developed as residential properties that are exempt from public facilities fees; provided that at least twenty per cent of the units are designated for residents of low or moderate income ranges.

Mahalo for this opportunity to testify in support of this Bill.

“The voice of Hawaiian business”



Association of Hawaiian Civic Clubs

P. O. Box 1135
Honolulu, Hawai'i 96807

TESTIMONY OF PRESIDENT SOULEE STROUD

SENATE BILL 682 SD1, HD1(HSCR999-12) RELATING TO KAKAAKO

HOUSE COMMITTEE ON JUDICIARY
Tuesday, March 20, 2012; 2:45pm; Room 325

Aloha Chairman Keith-Agaran, Vice Chairman Rhoads and members of the House Committee on Judiciary. I am Soulee Stroud, president of the Association of Hawaiian Civic Clubs representing sixty component clubs in all counties of Hawaii and eleven states on the continent. I am here to testify in support of Senate bill 682.

This bill will remove residential development restrictions from certain parcels in the Kakaako land settlement current under negotiation between the State of Hawaii and the Office of Hawaiian Affairs. The negotiation is for income and proceeds from the public land trust owed to OHA for the period November 7, 1978 through June 30, 2012.

Making an exemption of these certain parcels of the Kakaako District enhances the overall value of the settlement by allowing development for residential units and exemption from public facilities fees as long as 20% of the units are designated for low to moderate income range residents. This exemption will provide a steady income stream to the Office of Hawaiian Affairs while creating much needed rental housing near the Downtown business area.

We caution that the exemption in this bill should not in any way impair the land settlement negotiations and benefits as described in Senate Bill 2783.

We urge passage of this bill.

Contact: jalna.keala2@hawaiiantel.net

1065 Ahua Street
Honolulu, HI 96819
Phone: 808-833-1681 FAX: 839-4167
Email: info@gcahawaii.org
Website: www.gcahawaii.org



GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

Uploaded via Capitol Website

March 20, 2012

TO: HONORABLE REPRESENTATIVES GILBERT KEITH-AGARAN, CHAIR,
KARL RHOADS, VICE CHAIR AND HOUSE COMMITTEE ON JUDICIARY

SUBJECT: **SUPPORT OF S.B. 682, SD1, HD1, RELATING TO KAKA`AKO.**
Allows two lots in the makai area of the Kaka`ako Community Development District to be developed as residential properties that are exempt from public facilities fees; provided that at least twenty per cent of the units are designated for residents in low- or moderate- income ranges. (SB682 HD1)

SUPPORT OF S.B. 2783, RELATING TO PUBLIC TRUST LANDS. Conveys Kaka`ako Makai lands to Office of Hawaiian Affairs, and resolves all disputes and controversies, and extinguishes, discharges and bars all claims, suits, and actions relating to OHA's portion of income and proceeds from the public trust lands for the period November 7, 1978 through June 30, 2012.

HEARING

DATE: Tuesday, March 20, 2012
TIME: 2:45 PM
PLACE: Conference Room 325

Dear Chair Keith-Agaran, Vice Chair Rhoads and Members of the Committees:

The General Contractors Association (GCA) is an organization comprised of over six hundred (600) general contractors, subcontractors, and construction related firms. The GCA was established in 1932 and is celebrating its 80th anniversary this year; GCA remains the largest construction association in the State of Hawaii whose mission is to represent its members in all matters related to the construction industry, while improving the quality of construction and protecting the public interest. GCA is submitting testimony in **support of both S.B. 682, SD1, HD1, Relating to Kaka`ako and S.B. 2783, Relating to Public Trust Lands.**

S.B. 2783 conveys Kaka`ako Makai lands to the Office of Hawaiian Affairs and resolves disputes and controversies regarding a portion of the income for claims between 1978 to 2012; While in concert with the previous bill, S.B. 682, SD1, HD1 will provide the Office of Hawaiian Affairs with the option to develop two parcels as residential properties and produce a steady revenue stream to fund the Office of Hawaiian Affairs' services to its beneficiaries, while creating much needed rental housing and jobs in the near future.

S.B. 682, SD1, HD1 and S.B. 2783 work hand in hand and offer a resolution to the longstanding dispute regarding the settlement to the Office of Hawaiian Affairs' claims to income and proceeds from the ceded lands between 1978 to 2012. This settlement offer was negotiated with the best interest of OHA beneficiaries in mind between Governor Abercrombie and the Chair of OHA.

The Hawaii State Senate describes this as “a resolution of the decades-long dispute that has plagued state government and the Office of Hawaiian Affairs will have a positive impact on the Office of Hawaiian Affairs' beneficiaries and state government.”

GCA understands the necessity of S.B. 2783, as a start to addressing part of the dispute between OHA and the ceded land claims. GCA also understands the importance and long-term benefits that S.B. 682, SD1, HD1 would have, not only for OHA beneficiaries, but for the future of workforce housing and those qualified to live in the affordable units that OHA may develop. Affordable housing in Hawaii is a rare commodity and increasing the inventory of such would benefit many.

For these reasons, GCA supports these measures and respectfully requests that these Committees pass both measures.

Thank you for the opportunity to testify on these measures.

Judiciary Committee

Rep. Gilbert S.C. Keith-Aragan, Chair

Rep. Karl Rhoads, Vice Chair

Tuesday, March 20, 2012

2:45 pm Rm. 325

State Capitol

Testimony in opposition to SB 682

My name is Ron Iwami, President of Friends of Kewalos. I have been surfing the Kewalo area for over 40 years and have seen many changes, some good, and some bad. The good was places like the Kewalo Basin Park and the Kaka'ako Waterfront Park, places where people can go to relax, exercise, and relieve stress and enjoy the beautiful scenery. Hard to find in the city these days.

The bad, are all the residential high rises for the rich foreigners that have been popping up Mauka of Ala Moana Blvd. in increasing numbers and more are coming, creating increased density and traffic.

All of this came to a head in 2005 when the State wanted to sell public land on the Makai side to a private developer to build luxury high rises on this public oceanfront land.

Today, there is a NO RESIDENTIAL LAW in Kaka'ako Makai. (KM).

Today, there is a Conceptual Master Plan for KM.

Today, there is a Vision Statement for KM "A People's Gathering Place".

Today, there are 14 Guiding Principles for KM.

All of this, the result of 5 years of hard work and collaboration by the People, the Legislature, and HCDA. The Master Plan was recently adopted by HCDA in May of 2011. It is a very important document because it serves as the basis for all development in KM.

Friends of Kewalos in not opposing SB 2783, the OHA land settlement bill. We believe that this issue needs to be resolved. It been too long.

What we do oppose is SB 682 because it will virtually undue all the hard work that has been done to preserve this land for the People.

The big picture is this; it will set a bad precedent for future exceptions to the law and will ultimately open the door for more residential high rise development in KM.

In addition, it is an unnecessary bill because OHA is willing to take the land as is without the residential entitlements.

Please keep this special place, the last public oceanfront land in urban Honolulu, for the People now and for future generations to enjoy.

For these reasons, please vote NO on SB 682

Mahalo,

Ron Iwami
President, Friends of Kewalos

From: Thomas Iwai Jr. (t2islandaqua@hotmail.com)
Date: March 20, 2012
To: House Committee on Judiciary
Rep. Gilbert Keith-Agaran, Chair
Rep. Karl Rhoads, Vice Chair
Subject: Testimony In Opposition to SB682, SD 1, HD 1

Testimony in Opposition to SB 682, SD1, HD1 Relating to Kakaako Makai (KM):

SB 682, SD1, HD1 would allow the development of residential properties in the KM shoreline area that is currently prohibited as written under Hawaii Revised Statutes 206E-31.5 (2) below:

Anything contained in this chapter to the contrary notwithstanding, the authority is prohibited from:

- (1) Selling or otherwise assigning the fee simple interest in any lands in the Kakaako community development district to which the authority in its corporate capacity hold title, except with respect to: a) utility easements, b) remnants as defined in section 171-52, c) grants to any state or county department or agency or d) private entities for purpose of any easement, roadway, or infrastructure improvements; or*
- (2) Approving any plan or proposal for any residential development in that portion of the Kakaako community development district makai of the Ala Moana boulevard and between Kewalo basin and the foreign trade zone.*

Based on the overwhelming community response during the Save Our Kakaako movement in 2006 and the KM master planning discussions in 2011 that resulted in the passage of HRS 206E-31.5 (2), I strongly oppose SB 682 SD 1, HD1. Passage of this bill will seriously undermine past public input and trust to reserve Kakaako Makai for general public use for **all** of Hawaii's residents and visitors.

Mahalo & Aloha,

Thomas Iwai Jr.
(808)230-7725

STUART H. COLEMAN * 2121 ALGAROB A ST., #1107 * HONOLULU, HI 96826

March 20, 2012

Committee Chairs & Members of JUD

RE: Strong Opposition to SB682 – Relating to Kakaako

Hearing on Tue, Mar. 20 , State Capitol, Conf. Rm. 325, 2:45pm.

Dear Chair, Vice Chair and Committee Members,

My name is Stuart Coleman, and I am an environmental consultant, teacher and writer living in the McCully area. I'm writing today to express my strong opposition to SB682. Working with the Surfrider Foundation's Oahu Chapter, I was part of the Save Kakaako Alliance that helped stop luxury condos and residential units from being built on this last bit of public oceanfront land in Honolulu.

The Legislature did the right thing in passing a law to ban residential development in this area, and it seems senseless to go against your own rules and make exemptions now. This bill will set a dangerous precedent for more development of this area.

There seems to be a mad rush right now by legislators and state & county agencies to allow developers to build anywhere they want, all in the name of short-term construction jobs and economic benefits. But as everyone knows who sits in traffic every day on our congested freeways, Oahu is already overcrowded and overdeveloped. And selling public land for more housing is not in our long-term interests. Mahalo for your consideration.

Aloha, Stuart

House of Representatives
Committee on Judiciary
Tuesday, March 20, 2012
2:45 p.m., Conference Room 325
State Capitol

Testimony in Opposition of SB 682 SD1 HD1

Aloha Chair Keith-Agaran, and Members of the Committee,

I am opposed to SB 682 SD1 HD1, which would allow two lots in the makai area of the Kakaako community development district to be developed as residential properties. Although I support the transfer of Kakaako lands to OHA, I am worried about inappropriate development in this area. If the current value of Kakaako lands do not equal the debt, please consider adding different lands to the deal instead of the right to build residential buildings along the waterfront at Kakaako makai. I participated in the red shirt demonstrations a few years ago, and I believe the community is still opposed to residential buildings on Kakaako makai. Mahalo for your consideration.

Aloha,

Christy Martin
Ph: (808) 722-0995

Judiciary Committee

Rep. Gilbert S.C. Keith-Aragan, Chair
Rep. Karl Rhoads, Vice Chair

Tuesday, March 20, 2012
2:45 pm Rm. 325
State Capitol

Testimony in opposition to SB 682

My name is David Kelly. I have been enjoying the Kewalo area for over 22 years. Kewalo Basin Park and the Kaka'ako Waterfront Park, are places where people can go to relax, exercise, surf, and simply enjoy the beautiful scenery. Over the years such places have become more and more difficult to find in the city of Honolulu and surrounding areas.

Residential high rises are for the wealthy and these lavish condominiums have been built on the Mauka side of Ala Moana Blvd. in increasing numbers. With this increase in housing comes a greater density, more waste of all kinds, more stress on our sewage systems, and increased traffic congestion.

Much of the development problems associated with the area peaked in 2005 when the State wanted to sell public land in the area of concern to a private developer for construction of luxury high rises on oceanfront land.

Today, there is a NO RESIDENTIAL LAW in Kaka'ako Makai. (KM).
Today, there is a Conceptual Master Plan for KM.
Today, there is a Vision Statement for KM "A People's Gathering Place".
Today, there are 14 Guiding Principles for KM.

All of this is the result of 5 years of hard work and collaboration by concerned citizens, the Legislature, and HCDA. The Master Plan was recently adopted by HCDA in May of 2011. It is a very important document because it serves as the basis for all development in KM.

I am not opposing SB 2783, the OHA land settlement bill, but I do oppose is SB 682 because it will virtually negate all the hard work that has been done to preserve this land for the People.

SB 682 will set an unacceptable precedent because it is an exception to current law and will ultimately provide an opportunity for more residential high rise development in KM. In addition, it is an unnecessary bill because OHA is willing to take the land as is without the residential entitlements.

Please preserve this special place, the last public oceanfront land in urban Honolulu, for the People now and for future generations to enjoy.

For these reasons, please vote NO on SB 682

Mahalo,

David P Kelly

Judiciary Committee

Rep. Gilbert S.C. Keith-Aragan, Chair
Rep. Karl Rhoads, Vice Chair

Tuesday, March 20, 2012
2:45 pm Rm. 325
State Capitol

Testimony in opposition to SB 682

My name is Brian Shimokawa. I have been enjoying the Kewalo area for over 40 years. Kewalo Basin Park and the Kaka'ako Waterfront Park, are places where people can go to relax, exercise, surf, and simply enjoy the beautiful scenery. Over the years such places have become more and more difficult to find in the city of Honolulu and surrounding areas.

Residential high rises are for the wealthy and these lavish condominiums have been built on the Mauka side of Ala Moana Blvd. in increasing numbers. With this increase in housing comes a greater density, more waste of all kinds, more stress on our sewage systems, and increased traffic congestion.

Much of the development problems associated with the area peaked in 2005 when the State wanted to sell public land in the area of concern to a private developer for construction of luxury high rises on oceanfront land.

Today, there is a NO RESIDENTIAL LAW in Kaka'ako Makai. (KM).
Today, there is a Conceptual Master Plan for KM.
Today, there is a Vision Statement for KM " A People's Gathering Place".
Today, there are 14 Guiding Principles for KM.

All of this is the result of 5 years of hard work and collaboration by concerned citizens, the Legislature, and HCDA. The Master Plan was recently adopted by HCDA in May of 2011. It is a very important document because it serves as the basis for all development in KM.

I am not opposing SB 2783, the OHA land settlement bill, but I do oppose is SB 682 because it will virtually negate all the hard work that has been done to preserve this land for the People.

SB 682 will set an unacceptable precedent because it is an exception to current law and will ultimately provide an opportunity for more residential high rise development in KM. In addition, it is an unnecessary bill because OHA is willing to take the land as is without the residential entitlements.

Please preserve this special place, the last public oceanfront land in urban Honolulu, for the People now and for future generations to enjoy.

For these reasons, please vote NO on SB 682

Mahalo,

Brian Shimokawa

Judiciary Committee

Rep. Gilbert S.C. Keith-Aragan, Chair
Rep. Karl Rhoads, Vice Chair

Tuesday, March 20, 2012
2:45 pm Rm. 325
State Capitol

Testimony in opposition to SB 682

My name is Dyanne Taylor. I have been enjoying the Kewalo area for over 18 years. Kewalo Basin Park and the Kaka'ako Waterfront Park, are places where people can go to relax, exercise, surf, and simply enjoy the beautiful scenery. Over the years such places have become more and more difficult to find in the city of Honolulu and surrounding areas.

Residential high rises are for the wealthy and these lavish condominiums have been built on the Mauka side of Ala Moana Blvd. in increasing numbers. With this increase in housing comes a greater density, more waste of all kinds, more stress on our sewage systems, and increased traffic congestion.

Much of the development problems associated with the area peaked in 2005 when the State wanted to sell public land in the area of concern to a private developer for construction of luxury high rises on oceanfront land.

Today, there is a NO RESIDENTIAL LAW in Kaka'ako Makai. (KM).
Today, there is a Conceptual Master Plan for KM.
Today, there is a Vision Statement for KM "A People's Gathering Place".
Today, there are 14 Guiding Principles for KM.

All of this is the result of 5 years of hard work and collaboration by concerned citizens, the Legislature, and HCDA. The Master Plan was recently adopted by HCDA in May of 2011. It is a very important document because it serves as the basis for all development in KM.

I am not opposing SB 2783, the OHA land settlement bill, but I do oppose is SB 682 because it will virtually negate all the hard work that has been done to preserve this land for the People.

SB 682 will set an unacceptable precedent because it is an exception to current law and will ultimately provide an opportunity for more residential high rise development in KM. In addition, it is an unnecessary bill because OHA is willing to take the land as is without the residential entitlements.

Please preserve this special place, the last public oceanfront land in urban Honolulu, for the People now and for future generations to enjoy.

For these reasons, please vote NO on SB 682

Mahalo,

 Dyanne Taylor _____

SB682

SB682

John F. Kracht [johnk856@gmail.com]

Sent: Monday, March 19, 2012 4:23 AM

To: JUDtestimony

I write in opposition to SB 682 allowing high-rise construction. Open beach front area should be protected, and not become a loss to the people of Hawaii.

Judiciary Committee

Rep. Gilbert S.C. Keith-Aragan, Chair
Rep. Karl Rhoads, Vice Chair

Tuesday, March 20, 2012
2:45 pm Rm. 325
State Capitol

Testimony in opposition to SB 682

My name is Randal Lui-Kwan. I have been enjoying the Kewalo area for over 36 years. Kewalo Basin Park and the Kaka'ako Waterfront Park, are places where people can go to relax, exercise, surf, and simply enjoy the beautiful scenery. Over the years such places have become more and more difficult to find in the city of Honolulu and surrounding areas.

Residential high rises are for the wealthy and these lavish condominiums have been built on the Mauka side of Ala Moana Blvd. in increasing numbers. With this increase in housing comes a greater density, more waste of all kinds, more stress on our sewage systems, and increased traffic congestion.

Much of the development problems associated with the area peaked in 2005 when the State wanted to sell public land in the area of concern to a private developer for construction of luxury high rises on oceanfront land.

Today, there is a NO RESIDENTIAL LAW in Kaka'ako Makai. (KM).
Today, there is a Conceptual Master Plan for KM.
Today, there is a Vision Statement for KM "A People's Gathering Place".
Today, there are 14 Guiding Principles for KM.

All of this is the result of 5 years of hard work and collaboration by concerned citizens, the Legislature, and HCDA. The Master Plan was recently adopted by HCDA in May of 2011. It is a very important document because it serves as the basis for all development in KM.

I am not opposing SB 2783, the OHA land settlement bill, but I do oppose is SB 682 because it will virtually negate all the hard work that has been done to preserve this land for the People.

SB 682 will set an unacceptable precedent because it is an exception to current law and will ultimately provide an opportunity for more residential high rise development in KM. In addition, it is an unnecessary bill because OHA is willing to take the land as is without the residential entitlements.

Please preserve this special place, the last public oceanfront land in urban Honolulu, for the People now and for future generations to enjoy.

For these reasons, please vote NO on SB 682

Mahalo,

Randal Lui-Kwan

Testimony In Opposition of SB 682 SD 1

HEARING

COMMITTEE ON JUDICIARY

Rep. Gilbert S.C. Keith-Agaran, Chair

Rep. Karl Rhoads, Vice Chair

Rep. Tom Brower, Rep. Angus L.K. McKelvey, Rep. Rida T.R. Cabanilla, Rep. Joseph M. Souki, Rep. Mele Carroll, Rep. Clift Tsuji, Rep. Denny Coffman, Rep. George R. Fontaine, Rep. Robert N. Herkes, Rep. Barbara C. Marumoto, Rep. Ken Ito, Rep. Cynthia Thielen, and Rep. Sylvia Luke

NOTICE OF HEARING

DATE: Tuesday, March 20, 2012

TIME: 2:45 PM

PLACE: Conference Room 325
State Capitol
415 South Beretania Street

SB 682 SD1 - RELATING TO KAKA'AKO - Allows two lots in the makai area of the Kaka'ako community development district to be developed as residential properties that are exempt from public facilities fees; provided that at least twenty per cent of the unites are designated for residents in low- or moderate- income ranges. (SD1)

Aloha Chairman Gilbert S.C. Keith-Agaran, Vice Chairman Karl Rhoads and the Committee on Judiciary:

My name is Wayne Takamine and I participated in the Kaka'ako Makai Master Planning process as the chairman of the Kaka'ako Makai Community Planning Advisory Council (CPAC).

In 2011 the Kaka'ako Makai Conceptual Master Plan was completed and approved by the Hawaii Community Planning Authority (HCDA) Board. The completion and approval of the Kaka'ako Makai Master Plan concluded CPAC's formal relationship with HCDA as defined by HRS 206E-35.

Since then, CPAC has continued its role with Kaka'ako Makai as an independent and public community group by holding regular monthly meetings at the HCDA conference room, participating at HCDA monthly staff briefings, providing interested parties with information regarding the Kaka'ako Makai Conceptual Master Plan and the Kaka'ako Makai Vision Guiding Principals, providing feedback and testimony on relevant Kaka'ako Makai matters at HCDA Monthly board meetings and provide the community with updates on Kaka'ako Makai issues and developments.

CPAC has been closely following the issues involved with the proposed Office of Hawaiian Affairs (OHA) Ceded Land Settlement (SB2783) that includes 10 parcels in Kaka'ako Makai valued at \$200 million since its announcement in October 2011. In November 2011, members of CPAC were invited to participate in an informal meeting

with OHA Executive Members that included the Chairperson of the OHA Board of Trustees and her staff. In February 2012, CPAC gave a presentation to the OHA Board of Trustees to provide insights and information on the concepts and creation of the Kaka'ako Makai Vision and Guiding Principals that is the basis for the Kaka'ako Makai Conceptual Master Plan.

At our CPAC Meeting on March 1, 2012, OHA gave a presentation of the Ceded Land Settlement (SB2783) and information on SB682. The OHA representatives stated that the OHA Board of Trustees have approved the proposed Ceded Land Settlement that mirrors the language in the Senate Bill 2783, which they support unamended. The OHA representatives stated OHA did not solicit the creation SB682 nor do they support the bill, which was described as a "distraction."

During testimony for the SB2783 OHA settlement bill, the HCDA Executive Director stated the value of the Kaka'ako Makai land at \$200 million "as is" under the current rules. CPAC agrees that this is a fair exchange without the residential entitlements provided by SB682. From our discussion with OHA, the settlement as described in SB2783 is fair exchange for the \$200 million that is owed from the state.

From our experience with the Kaka'ako Makai master planning process since 2005, CPAC has witnessed strong support for HRS 206E-31.5, which is the law that prohibits residential housing and the sale of state land in Kaka'ako Makai by countless individuals, community groups, cultural groups, environmental groups and Kaka'ako Makai stakeholders.

During the Kaka'ako Makai Master Planning Process, CPAC has followed the lead of state legislators, stakeholders, community groups including OHA and the HCDA that has determined the state land in Kaka'ako Makai can best serve the public as "The Community's Gathering Place" as defined by the adopted Kaka'ako Makai Vision and Guiding Principals and the approved Kaka'ako Makai Conceptual Master Plan and "The Public Cultural Market" concept described in HRS 206E-34 that is a required in Kaka'ako Makai.

CPAC believes it is in the public's best interest to continue supporting the prohibitions of residential housing and sale of state land in Kaka'ako Makai as stated in HRS 206E 31.5. We would also like to continue our support for the OHA Ceded Land Settlement bill SB 2783 and to continue our work with OHA in making Kaka'ako Makai the "Community's Gathering Place and The Public Cultural Market."

Respectfully,

Wayne Takamine
CPAC Chairman

KAKA'AKO MAKAI COMMUNITY PLANNING ADVISORY COUNCIL

THE VISION FOR KAKA'AKO MAKAI

The Hawaiian Place of Ka'ākaukukui and Kukuluae'o

Kaka'ako Makai is the community's gathering place. A safe place that welcomes all people, from keiki to kūpuna, with enriching cultural, recreational and educational public uses. A special place that continues the shoreline lei of green with scenic beauty, connects panoramic vistas mauka to makai, and encourages ecological integrity of land, air and sea. Kaka'ako Makai honors, celebrates and preserves its historic sense of place, Hawaiian cultural values and our unique island lifestyle for present families and future generations.

GUIDING PRINCIPLES

Community Cultural Gathering Place

Establish Kaka'ako Makai as a gathering place where community and culture converge in response to the natural scenic beauty of the green shoreline open space.

- Celebrate the intertwined cultures of the community by ensuring a welcoming gathering place for a broad cross-section of people diverse in age, income and ethnicity.
- Provide enriching public recreational, cultural and educational opportunities for residents and visitors alike through Kaka'ako Makai's scenic coastal and marine environment, the Native Hawaiian cultural heritage, compatible facilities and activities, and historic sites and settings.

Hawaiian Culture and Values of the Ahupua'a

Base the framework for planning, decision-making and implementation of the Kaka'ako Makai master plan on Native Hawaiian values and traditional and customary rights and practices protected by the State.¹

- Emphasize the host Hawaiian culture.²
- Incorporate the ahupua'a concept and spirit of caring for, conserving and preserving the self-sustaining resource systems necessary for life, including the land that provides sustenance and shelter, the natural elements of air, wind and rain extending beyond the mountain peaks and streams of pure water, and the ocean from the shoreline to beyond the reef where fish are caught.
- Adopt the ahupua'a lifestyle of individual kuleana working together and contributing to the whole for a greater level of stewardship, conservation, and proper management of resources with contemporary land-use benchmarks, such as growth boundaries and carrying capacity.
- Assure that the planning of collective or individual traditional features, settings, and activities will be overseen by Hawaiian historic and cultural experts to prevent misinterpretation or exploitation.

¹ Hawaii State Constitution, Article XII, Section 7. Inform the planning process by the principles and traditions of the ahupua'a, and inspire the master plan by the interconnected relationship of people.

² §206E-34(c)(5), Hawaii Revised Statutes. The Hawaiian host culture is emphasized as pre-eminent yet inclusive of other cultures.²

Open View Planes

Protect, preserve and perpetuate Kaka'ako Makai's open view planes from the mountains to the sea as an inherent value of the Hawaiian ahupua'a and an important public asset for residents, visitors and future generations.³

- Ensure planning and development safeguards to identify, document, retain, restore and protect makai-mauka and diamondhead-ewa open view planes to the Ko'olau mountains, Diamond Head (Lē'ahi) and the Wai'anae mountains as seen from the view vantage areas and vicinities of Kaka'ako Makai's public lands and Kewalo Basin Harbor.

Coastal and Marine Resources

Preserve, restore and maintain Kaka'ako Makai's valuable coastal and marine resources for present and future generations.

- Enable the monitoring, protection, restoration, and conservation of natural coastal and ocean resources, including reef and marine life, through responsible stewardship and sustainable practices.
- Protect and sustain the coastal environment for cultural uses including fishing, ocean gathering, surfing and ocean navigation.

Expanded Park and Green Space

Ensure expansion of Kaka'ako Makai's shoreline parks as significant landscaped open spaces⁴ joining the lei of green parks extending from Diamond Head (Lē'ahi) to Aloha Tower.

- Implement the Hawaiian values of the ahupua'a and mālama 'āina by preserving shoreline open space, protecting scenic coastal and marine resources, and respecting the natural interaction of people, land, ocean and air.
- Welcome residents and visitors alike with green open space, abundant shade trees and opportunities for family recreation.
- Use the established park-planning standard of at least 2 acres per 1000 residents as a benchmark to assure sufficiency of park space to contribute to the health and welfare of Kaka'ako Mauka's growing population and offset increased urban density, noise and pollution.

Public Accessibility

Provide open and full public access to recreational, cultural and educational activities within and around Kaka'ako Makai's parks and ocean shoreline.

- Ensure complete public recreational access with minimal impact to the environment, including drop-off accommodation of ocean recreation equipment and connections to public transportation.
- Provide a shoreline promenade and tree-lined paths to safely and comfortably accommodate pedestrians, bicyclists and the physically impaired.
- Provide sufficient shared parking complementary to the natural setting to support all uses in Kaka'ako Makai, with workplace parking available for recreational and cultural users during non-working hours.

³ Significant Panoramic Views Map A-1, Honolulu Primary Urban Center Development Plan.

⁴ Inclusive of Kewalo Basin Park, Kaka'ako Waterfront Park and Kaka'ako Gateway Park.³

Public Safety, Health and Welfare

Ensure that Kaka'ako Makai is a safe and secure place for residents and visitors.

- Keep public use areas safe day and night for public comfort and enjoyment.
- Ensure that exposure to land and ocean is environmentally safe for people and marine life by assuring timely investigation, determination, and remediation of contaminants.
- Ensure that Kaka'ako Makai remains free and clear of elements, activities and facilities that may be potentially harmful to the natural environment and public well-being, including laboratories containing and experimenting with Level 3 or higher bio-hazardous pathogens and/or biological toxins known to have the potential to pose a severe threat to public health and safety.⁵

Public Land Use Legislation – Public Use of Public Lands in the Public Interest

Recognize and respect the effort and intent of the Hawaii State Legislature to uphold the greater public interest by ensuring and sustaining public uses on Kaka'ako Makai State public lands for the greater public good.

- Preclude the sale of public land and development of housing in Kaka'ako Makai;⁶
- Demonstrate commitment to serve the highest needs and aspirations of Hawaii's people and the long-term good of Hawaii's residents and future generations through community-based planning;⁷
- Restore the site-dependent use of Kewalo Basin Cove to the Kewalo Keiki Fishing Conservancy.⁸

Kewalo Basin

Ensure that Kewalo Basin Harbor's unique identity is retained with continued small commercial fishing and excursion boat uses, keiki fishing and marine conservation, marine research and education, and accessible green park open space expanding the lei of green between Ala Moana Park and Kaka'ako Waterfront Park.

- Enable continued functional commercial boating uses at Kewalo Basin Harbor and preserve the beneficial relationships between the existing small commercial fishing and excursion boat businesses and land-based maritime support service businesses.
 - Ensure that Kewalo Basin will continue as a State of Hawaii commercial harbor and valuable public facility asset by repairing, maintaining and enhancing the harbor for small commercial fishing and excursion boat use.
 - Ensure the protected use of Kewalo Basin Cove for Kewalo Keiki Fishing Conservancy keiki fishing and marine conservation programs.
 - Support Kewalo Marine Laboratory's continued valuable marine biology and ecosystems research and education in the vicinity of Kewalo Basin.
 - Ensure preservation of Kewalo Basin Park, the net house and parking lot for public use, upgrade and improve existing facilities within the park, and provide green open space between Ala Moana Park and the channel frontage.¹⁰
- 5 Protection of the public health and safety is first and foremost in this area a) immediately adjacent to a Shoreline recreation area and the urban population center, b) in close proximity to a regional beach park and the Waikiki primary visitor destination, and c) within the updated tsunami zone.

<http://beta.abc3340.com/news/stories/1007/460171.html>
http://www.nytimes.com/2007/10/05/us/05labs.html?_r=1
6 §206E-31.5, Hawaii Revised Statutes.
7 HCR 30, 2006.
8 Act 3, 2007, Special Session.
9 §206E-33(2), Hawaii Revised Statutes.⁴

Cultural Facilities

Offer public enrichment opportunities through both fixed and flexible cultural facilities that celebrate the diverse cultures of Hawai'i and blend compatibly with the shoreline open space.

- Contemplate compatible indoor and outdoor performance venues that encourage the teaching, practicing, and presentation of hula, theater, music, dance, and other performing and visual arts, with an outdoor multi-cultural festival space for Honolulu's diverse ethnic communities.¹¹
- Contemplate educational facilities, such as an exhibition hall with permanent, interactive and rotating exhibits, museums communicating the cultural history of the area, and places for traditional Hawaiian cultural practices.¹²
- Establish a cultural market stocked by local farmers, fishers and Hawaiian traditional craft makers to reflect the Hawaiian values of gathering and trading in the ahupua'a between the mountains and the sea.¹³
- Ensure a community center for local families to gather, interact and learn from each other.

Small Local Business

Apportion a limited number of small local businesses to assist in cooperatively sustaining Kaka'ako Makai's public use facilities.

- Ancillary small businesses may include diverse local restaurants, cafés, small shops, markets or other uses that will complement the recreational, cultural, harbor or other public facilities serving the community interest.¹⁴
- Encourage small local enterprises that emphasize the Hawaiian culture and support traditional local products, rather than large corporate retailing attractions.

Site Design Guidelines –

A Hawaiian Sense of Place in Landscape, Setting and Design

Ensure that Kaka'ako Makai's public use facilities are compatible in placement, architectural form, and functional design within the landscape of the shoreline gathering place.¹⁵

- Provide and maintain abundant native coastal plants and trees to blend the scenic and sensory qualities of the coastal environment and create a Hawaiian sense of place.
- Identify, protect, preserve, restore, rehabilitate, interpret and celebrate Kaka'ako Makai's historic sites, facilities, settings, and locations.
- Maintain the quality of coastal environmental elements including natural light, air and prevailing winds.

- Mandate sustainability principles, conservation technologies, and green building standards for buildings, grounds and infrastructure.¹⁶

10 Inclusive of greenbelt connections between Ala Moana Park and Kewalo Basin Park, between the Net House and Kewalo Basin Channel, and between Ala Moana Boulevard and Kewalo Basin to Point Panic.

11 §206E-34(d)(3), Hawaii Revised Statutes.

12 §206E-34(d)(5), Hawaii Revised Statutes.

13 §206E-34(a) and (b), Hawaii Revised Statutes.

14 §206E-34(d)(2), Hawaii Revised Statutes.

15 Encourage private development mauka of Ilalo Street to compliment the gathering place concept of the Kaka'ako Makai public use area on public lands by providing landscaped set-backs and inviting open architecture at the street level.

16 Ensure reasonable carrying capacity with limited infrastructure for sufficient water supply, storm-water drainage and waste disposal. ⁵

Community/Government Planning Partnership

The Kaka'ako Makai Community Planning Advisory Council places the public interest first and foremost, and will strive to uphold the greater good of the community in partnership with the HCDA as the public oversight agency by:

- Openly working with the community, the HCDA and the HCDA's planning consultants as guaranteed by government commitment to ongoing community representation and involvement throughout the master planning process;
- Openly communicating with the State Legislature and other elected public officials;
- Committing the time and effort required to meet the goals and objectives of the Kaka'ako Makai planning process, and advocating responsibly in the public interest both collectively and individually, notwithstanding premature or conflicting proposals.

Future Funding and Management

Assure and assist viable and sustainable operation of public uses and facilities on State public land in Kaka'ako Makai through public/private partnerships and 501(c)(3) non-profit management¹⁷ similar to successful park conservancies and their stewardship programs.

- The community land conservancy will be essential in determining safeguards to restore, protect and perpetuate Kaka'ako Makai's natural shoreline resources and view planes, historic and recreational resources, and public uses on State public lands in the public interest as a quality of life benchmark.
- This conservancy may be a public/private partnership of the Kaka'ako Makai Community Planning Advisory Council (CPAC), the Hawaii Community Development Authority (HCDA) or current oversight agency, and private contributing interests to both monitor and underwrite public use on State public land in service to the public good.¹⁸

17 §206E-34(c)(3), Hawaii Revised Statutes.

18 A public/private community benefits agreement may be developed upon completion of the master plan to define respective responsibilities and contributions.

KAKAAKO COMMUNITY DEVELOPMENT DISTRICT

§206E-34 Cultural public market. [Act 231, 2005]

a) There shall be established within the Hawaii community development authority a state cultural public market.

b) The cultural public market shall be located on state land within the Kakaako Makai area and developed pursuant to sections 206E-31, 206E-32, and 206E-33. A public parking lot shall be included.

c) The Hawaii community development authority shall:

(1) Designate and develop the state-owned land for the cultural public market;

(2) Accept, for consideration, input regarding the establishment of the cultural public market from the following departments and agencies:

(A) The department of agriculture;

(B) The department of business, economic development, and tourism;

(C) The department of land and natural resources;

(D) The department of labor and industrial relations; and

(E) The Hawaii tourism authority;

(3) Consider and determine the propriety of using public private partnerships in the development and operation of the cultural public market;

(4) Develop, distribute, and accept requests for proposals from private entities for plans to develop and operate the cultural public market; and

(5) Ensure that the Hawaiian culture is the featured culture in the cultural public market.

(d) Requests for proposals for the cultural public market shall contemplate but not be limited to the inclusion of the following types of facilities and services:

(1) Retail outlets for ethnically diverse products;

(2) Venues for businesses with ethnic themes, including restaurants and other service-related businesses;

(3) Theaters, stages, and arenas designed to showcase cultural performing artists as well as community performing arts;

(4) Exhibition space or museums that showcase artwork created by international and local artists; and

(5) Museums or other educational facilities focusing on the history and cultures of the various ethnic groups within Hawaii, including Hawaiian history.

(Emphasis added)

H.C.R. 30 HD1 SD1

HOUSE CONCURRENT

RESOLUTION

URGING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO IMMEDIATELY RESCIND BOTH ITS REQUEST FOR PROPOSALS AND ANY CONTRACT OR AGREEMENT AWARDED, OR COMMITMENT MADE, TO ALEXANDER & BALDWIN PROPERTIES, INC. FOR THE DEVELOPMENT OF KAKAAKO MAKAI.

WHEREAS, the area mauka of Ala Moana Boulevard within the Kakaako Community Design District (Kakaako Mauka) is studded with some of the State's highest high-rise residential buildings, with some structures approaching 400 feet; and

WHEREAS, in October 2002, the Hawaii Community Development Authority (HCDA) adopted the "Waterfront Business Plan" covering the use and development of the area makai of Ala Moana Boulevard, between Kewalo Basin and the University of Hawaii, John A. Burns School of Medicine (Kakaako Makai); and

WHEREAS, in January 2005, HCDA issued a Request for Proposals for Kakaako Makai to which there were 15 respondents; and

WHEREAS, in September 2005, HCDA selected Alexander and Baldwin Properties, Inc. (A&B Properties), over five other plans, because HCDA found that at the time, it best met desired criteria, including open space for public use; and

WHEREAS, public reaction to the A&B Properties' project prompted A&B Properties to resubmit a "scaled down" version of the project in December 2005, which continues to receive strong public opposition; and

WHEREAS, Kakaako Makai is such an opportunity for a large open space park with learning centers that cannot be trumped by the short-term need to finance the State's participation in the development of the Kakaako Community Design District (District); and

WHEREAS, the State must demonstrate its commitment to withhold its valuable lands from development for short-term gains in exchange for the long-term good of its residents and the future generations to come; and

WHEREAS, in establishing the HCDA, the Legislature, as expressed in section 206E-1, Hawaii Revised Statutes (HRS), believed that the "authority will result in communities which serve the highest needs and aspirations of Hawaii's people"; and

WHEREAS, the mixed use mandate of the District where people can live, work, visit, and play must be implemented in a complementary manner that recognizes the "live and work" land uses of Kakaako Mauka and the "learn and play" land uses of Kakaako Makai; and

WHEREAS, the density of the urban core of Honolulu mandates that every opportunity to create open space should be availed for the public health and welfare; and

WHEREAS, HCDA has led the Legislature to believe that HCDA and A&B Properties are currently in the stage of negotiations in which only a non-binding award of the master development rights contract has been awarded to A&B Properties, and no binding letter of intent or development agreement has been entered into; and

WHEREAS, judging from the volume of public opposition to A&B Properties' "scaled down" version of its project, the Legislature finds that A&B Properties' projects regarding Kakaako Makai does not serve the highest needs and aspirations of all segments of Hawaii's community; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the Senate concurring, that HCDA is urged to immediately rescind both its Request for Proposals and any contract or agreement awarded to, or commitment it may have with A&B Properties, Inc., to develop Kakaako Makai; and

BE IT FURTHER RESOLVED that the Hawaii Community Development Authority immediately convene a working group of interested stakeholders, particularly the groups and individuals that have surfaced in this controversy, to meaningfully participate in the development, acceptance, and implementation of any future plans for the development of Kakaako Makai; and

BE IT FURTHER RESOLVED that a certified copy of this Concurrent Resolution be transmitted to the Hawaii Community Development Authority.

Report Title:

Urging HCDA to immediately rescind any contract or agreement with A&B Properties and to convene a working group of interested stakeholders.

Testimony in opposition to SB 682

Testimony in opposition to SB 682

Daniel Chinen [dchinen84@gmail.com]

Sent: Sunday, March 18, 2012 10:25 PM

To: JUDtestimony; repkeitharagan@capitol.hawaii.gov; Rep. Karl Rhoads

Dear Rep. Gilbert S.C. Keith-Aragan, Chair
& Rep. Karl Rhoads, Vice Chair

NO RESIDENTIAL IN KAKA'AKO MAKAI. KEEP THIS LAST PUBLIC OCEANFRONT LAND IN URBAN HONOLULU FOR ALL THE PEOPLE TO ENJOY. This bill will set a bad precedent to open the door for further exceptions to the NO RESIDENTIAL LAW in place now and will increase the residential development in Kaka'ako Makai.

MAHALO,
Daniel Chinen of Kaneohe, HI

Testimony in opposition to SB 682

Curtis Tanaka [tanakac014@hawaii.rr.com]

Sent: Sunday, March 18, 2012 9:30 PM

To: JUDtestimony.

Judiciary Committee

Rep. Gilbert S.C. Keith-Aragan, Chair
Rep. Karl Rhoads, Vice Chair

Tuesday, March 20, 2012
2:45 pm Rm. 325
State Capitol

Testimony in opposition to SB 682

Keep Kaka'ako Makai open and free for the people
and the children to use and enjoy.

*NO RESIDENTIAL IN KAKA'AKO MAKAI. KEEP
THIS LAST PUBLIC OCEANFRONT LAND IN
URBAN HONOLULU FOR ALL THE PEOPLE TO
ENJOY. This bill will set a bad precedent to open
the door for further exceptions to the NO
RESIDENTIAL LAW in place now and will increase
the residential development in Kaka'ako Makai.
Enough already.*

*MAHALO,
Curtis Tanaka
Life time resident of Manoa Valley*

Judiciary Committee

Rep. Gilbert S.C. Keith-Aragan, Chair
Rep. Karl Rhoads, Vice Chair

Tuesday, March 20, 2012
2:45 pm Rm. 325
State Capitol

Testimony in opposition to SB 682

My name is David Lizama. I have been working, recreating and supporting businesses in the Kaka'ako area for over 30 years. Kewalo Basin Park and the Kaka'ako Waterfront Park, are places where people can go to relax, exercise, surf, and simply enjoy the beautiful scenery. Over the years such places have become more and more difficult to find in the city of Honolulu and surrounding areas.

Residential high rises are for the wealthy and these lavish condominiums have been built on the Mauka side of Ala Moana Blvd. in increasing numbers. With this increase in housing comes a greater density, more waste of all kinds, more stress on our sewage systems, and increased traffic congestion.

Much of the development problems associated with the area peaked in 2005 when the State wanted to sell public land in the area of concern to a private developer for construction of luxury high rises on oceanfront land.

Today, there is a NO RESIDENTIAL LAW in Kaka'ako Makai. (KM).
Today, there is a Conceptual Master Plan for KM.
Today, there is a Vision Statement for KM " A People's Gathering Place".
Today, there are 14 Guiding Principles for KM.

All of this is the result of 5 years of hard work and collaboration by concerned citizens, the Legislature, and HCDA. The Master Plan was recently adopted by HCDA in May of 2011. It is a very important document because it serves as the basis for all development in KM.

I am not opposing SB 2783, the OHA land settlement bill, but I do oppose is SB 682 because it will virtually negate all the hard work that has been done to preserve this land for the People.

SB 682 will set an unacceptable precedent because it is an exception to current law and will ultimately provide an opportunity for more residential high rise development in KM. In addition, it is an unnecessary bill because OHA is willing to take the land as is without the residential entitlements.

Please preserve this special place, the last public oceanfront land in urban Honolulu, for the People now and for future generations to enjoy.

For these reasons, please vote NO on SB 682

Mahalo,

David Lizama

Testimony in opposition to SB 682

Testimony in opposition to SB 682

Michael Kirk-Kuwaye [mkirkkuwaye@gmail.com]

Sent: Sunday, March 18, 2012 8:53 PM

To: JUDtestimony

Judiciary Committee

Rep. Gilbert S.C. Keith-Aragan, Chair

Rep. Karl Rhoads, Vice Chair

Date: Tuesday, March 20, 2012

Time: 2:45 pm

Location: State Capitol, Rm. 325

Testimony in opposition to SB 682

There are many other sites besides Kaka'ako Makai to have residential units/buildings. But there is only one Kaka'ako Makai – the last ocean front area for all the people who live or work in urban Honolulu. Please do not allow this exception to the no residential law in place for Kaka'ako Makai as proposed in this bill.

Mahalo,

Michael Kirk-Kuwaye

Manoa (work)/ Ka'a'awa (live)

Kakaako makai is for the public and working class

Kakaako makai is for the public and working class

Kryss Kojima [krysskoj@yahoo.com]

Sent: Sunday, March 18, 2012 7:53 PM

To: JUDtestimony

Please prevent residential development in the Kakaako Makai area. It would decrease public access and use, as well as block the view for existing residences. It would create another congested Waikiki. The beauty of the Kakaako makai is that it provides quick and easy access to the beach. And the surf spot there is known as a working class wave. Most of us surf, swim, or dive before or after work and it's feasible because the area is not developed. It would be a lot harder to drive into a congested development before and after work. And of course we all pay taxes! Please keep this one last piece of land pristine! Thank you.

Please call or email me if you have any questions.

Kryss Kojima,MD
Chief Straub Radiology
722-9007
Sent from my iPhone

Testimony in opposition to SB 682

Testimony in opposition to SB 682

dieter heycke [heycke@yahoo.com]

Sent: Sunday, March 18, 2012 5:31 PM

To: JUDtestimony

To: Judiciary Committee
Rep. Gilbert S.C. Keith Aragon, Chair
Rep. Karl Rhoads, Vice Chair

Dear Sirs,

I have lived in Honolulu since 1999 and I like running along Ala Moana Park and often extend my runs around Kewalo basin and the Ocean front of Kaka'ako park. It is the ocean front in Honolulu that attracted me first as a tourist, then when I worked out of Paradise, Ca for John Deere with Hawaii as part of my area of responsibility in the 80'ies. After I retired I wanted to live in Hawaii and after several vacations moved here.

Please retain the shrinking open to the public areas and Kaka'ako Makai from development that reduces access and the beauty of our ocean front. Enough concrete and development near the Oceanside.

Aloha and mahalo for considering the wishes of a 76 year old (still active triathlete) Honolulu resident,
Dieter Heycke

Testimony in Opposition to SB 682

Testimony in Opposition to SB 682

Shereen Goto [hiconnect@hawaiiantel.net]

Sent: Sunday, March 18, 2012 4:28 PM

To: JUDtestimony

Judiciary Committee

Rep. Gilbert S.C. Keith-Aragan, Chair

Rep. Karl Rhoades, Vice Chair

Tuesday, March 20, 2012

2:45 pm Rm 325

State Capitol

415 South Beretania Street

Re: Testimony in Opposition to SB 682

I respectfully write in opposition to SB 682. I ask the committee, as representatives of our community, to continue to keep the Kaka'ako Makai lands non-residential and open to all people. If more residential housing is needed, please consider the voices of constituencies, who continue to ask that residential housing be built in Kaka'ako Mauka. Please keep the Makai lands for all people in our community. We continue to put our trust in you and ask each of you to please fulfill that trust as you make your decisions on this important legislation.

With Aloha,

Shereen Goto

P.O. Box 4526

Honolulu, HI 96812

Judiciary Committee

Rep. Gilbert S.C. Keith-Aragan, Chair
Rep. Karl Rhoades, Vice Chair

Tuesday, March 20, 2012
2:45 pm Rm 325
State Capitol

TESTIMONY IN OPPOSITION TO SB 682

My name is Edith Iwami, (mother of Ronald Iwami, President of Friends of Kewalos.) I am sending this to you as my testimony in opposition to SB 682. I believe in preserving the ocean front land for the people. I am not in favor of construction of high rise condominiums in Kakaako makai to be developed on prime ocean front land, to be sold to home buyers and foreign investors who can afford a luxury condo in Hawaii. I know that the asking price would be out of reach for the majority of residents of Hawaii. We must save this last piece of public land for the general public. The residential condominiums would take preference over the right of public use for surfers, fishermen, picnic areas for young and old, walkers, exercising, stretching and especially to allow the elderly on wheel chairs to stroll along the length of the beach park, to breathe the fresh ocean breeze with easy access to the park for ingress and egress.

My background as a real estate sales person helps me to realize how important SB 682 is. I am not against progress. I believe that if it's for a public good, we should voice our opinion. We need to let our legislators know the sentiment of the public – how else would they be able to make a decision without public input?

History: 2005/2006, Friends of Kakaako, a grass roots organization, without any funds but with support from surfers and others, was organized to stop the sale of this last piece of public land to a developer who wanted to build 3 high rise towers. My son asked me if he took the leadership, would I support him? I knew that it was a worthy cause and willingly accepted the challenge. Being a member of the American Business Women's Association (ABWA), I encouraged our chapter women who could take time off from work, to wear their red T-shirts to the hearings. We marched and rallied to the Capitol with our red T shirts and were nicknamed the "red shirt gang". Other organizations who believed in the cause joined Friends of Kakaako and now renamed "Friends of Kewalos" currently a non-profit organization. It was a community and public effort and with support from the Legislators, ultimately in 2006, the land was saved! But we now have SB 682 in the horizon and we're back again!

I strongly believe that if our caring spirit to save this land for the public good is shown, it would touch the mindset of our friends at the Legislature to listen to the public and make its decision. It is my hope that this land will be preserved for our children and for generations to come.

Once the residential units come up, there is no way that we can make any changes. There will be strict regulations for ingress and egress. We will cooperate with others involved – OHA, HCDA and the Legislature. Ala Moana Beach Park is used and overused. By mid-morning the parking spaces are almost all taken – especially on Saturdays and Sundays, tour buses with visitors. It is so refreshing for all to see many walking, exercising, stretching, canoe paddling, seeing the boats coming in and leaving the harbor -- with beautiful background view of Hawaii's famous landmark, Diamond Head among the coastal hotels and condominiums. More so now, we must join together to uphold Friends of Kewalos' mission to "Protect, Preserve and Malama the Kewalo Basin Park" and respectfully request your vote to oppose passage of SB 682. Thank you.

Edith Iwami
edi@hawaii.rr.com

Organizations: American Business Women's Association (ABWA) Imua and Aikane Chapters. Held leadership roles as President for Imua and Aikane Chapters. Chapter Woman of the year. 30 year membership and still an active member. Membership in National Association of Professional Women (NAPW)

SB 682

SB 682

bigdawg@hawaii.rr.com [bigdawg@hawaii.rr.com]

Sent: Sunday, March 18, 2012 2:06 PM

To: JUDtestimony

PLEASE NO RESIDENTIAL IN KAKA'AKO MAKAI. KEEP THIS LAST PUBLIC OCEANFRONT LAND IN URBAN HONOLULU FOR ALL THE PEOPLE TO ENJOY. This bill will set a bad precedent to open the door for further exceptions to the NO RESIDENTIAL LAW in place now and will increase the residential development in Kaka'ako Makai. Enough already.

MAHALO,
Kaipo Aloy
Waipio Gentry

Testimony for SB682 on 3/20/2012 2:45:00 PM

Testimony for SB682 on 3/20/2012 2:45:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, March 18, 2012 12:44 PM

To: JUDtestimony

Cc: hapana23@hawaiiantel.net

Testimony for JUD 3/20/2012 2:45:00 PM SB682

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Clint and Hilary McKee

Organization: Friends of Kewalos

E-mail: hapana23@hawaiiantel.net

Submitted on: 3/18/2012

Comments:

We are against more residential development in the Kaka'ako Makai area. There is enough residential development mauka of Ala Moana Boulevard. There is no mention of addressing "necessary community facilities, such as open space, parks, community meeting places, child care centers, and other services, within and adjacent to residential development" as outlined in HRS 206E-33 8. Why not focus on "necessary community facilities" for existing residents in the area versus an increase in residential development?

We are also against developers being exempt from public facilities fees. Why should developers be exempt? What is the benefit to the state? Whether the public facilities fee is \$1 or \$1,000,000--the state budget is always in deficit and cannot afford any exemptions.

Bottom line: No more residential development in Kaka'ako Makai.

Mahalo,

Clint and Hilary McKee

Papakolea Residents

Stop bill SB682

Stop bill SB682

alvin sumida [alvinsumida@live.com]

Sent: Sunday, March 18, 2012 12:06 PM

To: JUDtestimony

My name is Alvin Sumida. I am in opposition to bill SB 682. No residential in Kakaako Makai. This land should be for the people. Please, dont let this bill pass. I am a resident of Makiki for 30 yrs. Thank you for your time. Aloha.

Judiciary Committee

Rep. Gilbert S.C. Keith-Aragan, Chair
Rep. Karl Rhoads, Vice Chair

Tuesday, March 20, 2012
2:45 pm Rm. 325
State Capitol

Testimony in opposition to SB 682

My name is George "Bud" Antonelis. I have been enjoying the Kewalo area for over 15 years. Kewalo Basin Park and the Kaka'ako Waterfront Park, are places where people can go to relax, exercise, surf, and simply enjoy the beautiful scenery. Over the years such places have become more and more difficult to find in the city of Honolulu and surrounding areas.

Residential high rises are for the wealthy and these lavish condominiums have been built on the Mauka side of Ala Moana Blvd. in increasing numbers. With this increase in housing comes a greater density, more waste of all kinds, more stress on our sewage systems, and increased traffic congestion.

Much of the development problems associated with the area peaked in 2005 when the State wanted to sell public land in the area of concern to a private developer for construction of luxury high rises on oceanfront land.

Today, there is a NO RESIDENTIAL LAW in Kaka'ako Makai. (KM).
Today, there is a Conceptual Master Plan for KM.
Today, there is a Vision Statement for KM " A People's Gathering Place".
Today, there are 14 Guiding Principles for KM.

All of this is the result of 5 years of hard work and collaboration by concerned citizens, the Legislature, and HCDA. The Master Plan was recently adopted by HCDA in May of 2011. It is a very important document because it serves as the basis for all development in KM.

I am not opposing SB 2783, the OHA land settlement bill, but I do oppose is SB 682 because it will virtually negate all the hard work that has been done to preserve this land for the People.

SB 682 will set an unacceptable precedent because it is an exception to current law and will ultimately provide an opportunity for more residential high rise development in KM. In addition, it is an unnecessary bill because OHA is willing to take the land as is without the residential entitlements.

Please preserve this special place, the last public oceanfront land in urban Honolulu, for the People now and for future generations to enjoy.

For these reasons, please vote NO on SB 682

Mahalo,

Bud Antonelis

Attn: Judiciary Committee Rep. Gilbert S.C. Keith-Aragan, Chair Rep. Karl Rhoads, Vice Chair

Attn: Judiciary Committee Rep. Gilbert S.C. Keith-Aragan, Chair Rep. Karl Rhoads, Vice Chair

Saresa Hisatake [saresasurfs@hotmail.com]

Sent: Sunday, March 18, 2012 10:00 AM

To: JUDtestimony

I am writing this testimony in **opposition** to SB 682.

NO RESIDENTIAL IN KAKA'AKO MAKAI. KEEP THIS LAST PUBLIC OCEANFRONT LAND IN URBAN HONOLULU FOR ALL THE PEOPLE TO ENJOY. This bill will set a bad precedent to open the door for further exceptions to the NO RESIDENTIAL LAW in place now and will increase the residential development in Kaka'ako Makai. Enough already.

Mahalo Mark Corpuz, Nuuanu

Attn: Judiciary Committee Rep. Gilbert S.C. Keith-Aragan, Chair Rep. Karl Rhoads, Vice Chair

Attn: Judiciary Committee Rep. Gilbert S.C. Keith-Aragan, Chair Rep. Karl Rhoads, Vice Chair

Saresa Hisatake [saresasurfs@hotmail.com]

Sent: Sunday, March 18, 2012 9:55 AM

To: JUDtestimony

I am writing this testimony in **opposition** to SB 682.

Right now there is no residential homes in Kaka'ako Makai. I strongly wish to keep this last public oceanfront land in urban Honolulu for all the people to enjoy, as well as the next generations. This bill will set a bad precedent to open the door to further exceptions to the NO RESIDENTIAL LAW in place now and will increase the residential development in Kaka'ako Makai. **Enough already.** The people of Hawaii and I would like to enjoy what seems like the last Gem of Oahu, not only for ourselves but for our generations to come.

Mahalo,

Saresa Hisatake
Nuuanu

opposition to SB682

opposition to SB682

Marvin Heskett [mhesketts@mac.com]

Sent: Sunday, March 18, 2012 9:33 AM

To: JUDtestimony

Aloha,

I am opposed to SB 682, allowing further residential development of lands in Kaka'ako Maki. Please keep this historical and culturally significant land available for all to enjoy. Residential development here is not needed, keep it to the other side of Ala Moana. I do support the use of these lands for public use to include non residential sustainable development and park areas.

Mahalo,

Marvin Heskett
3252 Palolo Terrace Place
Honolulu, HI 96818
808 728.4617

Opposing SB 682

Opposing SB 682

Ron & Patti Almonte [almonter001@hawaii.rr.com]

Sent: Sunday, March 18, 2012 9:23 AM

To: JUDtestimony

We really enjoy Kewalos beach park as is. I'm opposing SB 682.

Best regards,

Ron Almonte

Ronald W. Almonte

President, RME

R. W. Almonte Enterprises

General Contractor

Lic. #BC-21959

Office: 808-262-0848

Fax: 808-262-0889

Cell: 808-286-6714

Email: rwalmonte@hawaii.rr.com

Website: www.rwalmonteenterprisesinc.com

SB682

SB682

Guy Chang [mimpibesar1@yahoo.com]

Sent: Sunday, March 18, 2012 8:48 AM

To: JUDtestimony

My name is Guy Chang and I live at Pacific Heights. I am sending this in regards to the proposed use of lands being used for residential development in the Kakaako area. I feel this is not a good thing because it takes away the open areas we have left from viewing the ocean shoreline from the mountains above Oahus south shore. I remember seeing and checking to see if there were waves on any giving morning to go surfing. Now when I look towards the ocean, all I see are buildings and little spaces between them with an ocean. I also have been surfing at Kewalo Basin for at least 30 years and I know the impact of this bill being passed will have a really negative effect of the area and surrounding areas. It will also be a start of having all sorts of other entities wanting to build on the makai side of Ala moana Blvd. Then what will our view of the ocean look like. So please do not pass this bill so that it does not take away from the beauty we have left.

Aloha Guy Chang

opposing SB 682

opposing SB 682

Craig Sugihara [craigs@tcsurf.com]

Sent: Sunday, March 18, 2012 8:28 AM

To: JUDtestimony

Cc: Ron [ronald@kewalo.org]

To All concerned:

PLEASE NO RESIDENTIAL IN KAKA'AKO MAKAI. KEEP THIS LAST PUBLIC OCEANFRONT LAND IN URBAN HONOLULU FOR ALL THE PEOPLE TO ENJOY. This bill will set a bad precedent to open the door for further exceptions to the NO RESIDENTIAL LAW in place now and will increase the residential development in Kaka'ako Makai. Enough already.

MAHALO,
Craig Sugihara
Aiea, HI 96701

opposition to SB 682

opposition to SB 682

Linda Wong [leiahi@me.com]

Sent: Sunday, March 18, 2012 2:57 AM

To: JUDtestimony

Judiciary Committee

Rep. Gilbert S.C. Keith-Aragan, Chair
Rep. Karl Rhoads, Vice Chair

Tuesday, March 20, 2012
2:45 pm Rm. 325
State Capitol

Testimony in opposition to SB 682

NO RESIDENTIAL IN KAKA'AKO MAKAI. KEEP THIS LAST PUBLIC OCEANFRONT LAND IN URBAN HONOLULU FOR ALL THE PEOPLE TO ENJOY. This bill will set a bad precedent to open the door for further exceptions to the NO RESIDENTIAL LAW in place now and will increase the residential development in Kaka'ako Makai.

*OHA doesn't want the land and that seems to be a disguise.
You are taking Hawai'i out of Hawai'i and you'll lose tourists.*

*Mahalo,
Linda Wong
Diamond Head*

Testimony AGAINST SB 682

shockleyjr@gmail.com [shockleyjr@gmail.com]

Sent: Saturday, March 17, 2012 10:40 PM

To: JUDtestimony

Legislators:

I am saddened and shocked to see the big rush to pass SB 682. The bill includes a variance against existing law that would allow residential high-rise construction on two parcels of land that will be transferred to the Office of Hawaiian Affairs as a land settlement. If the high-rise part of this Senate Bill cannot be removed, the whole Bill should be scrapped. Remember, you have been elected to serve the greatest good for the most people. Serving the interests of private construction for private profit on State or OHA land goes directly against the reason you were elected.

Please, either modify SB 682 or scrap this deceptive and onerous bill that seeks to encroach on the lands makai of Ala Moana Boulevard. The open area of Kaka'ako is a last precious resource that needs to be preserved for all the people, not just proliferators of private high-rise construction.

Mahalo for your time.

John and Rita Shockley
92-5076 Limukele Street
Kapolei, HI 96707
672-6535

KAKAAKO MAKAI

KAKAAKO MAKAI

peter easterling [easterling__peter@hotmail.com]

Sent: Saturday, March 17, 2012 7:49 PM

To: JUDtestimony

Please keep the Kakaako Makai property free of residential development.

Remember the lei of green idea a few decades ago? Preserve the coastal lands for all to enjoy forever. No exceptions. You have an important decision.

I surfed, then body-surfed Point Panic starting in the 60's. It was a dump then and Kewalo Waterfront Park is a wonderful improvement. Don't ruin it, please. Please take care of our land.

Mahalo,

Peter Easterling

Re:Opposition to SB682

Re:Opposition to SB682

Gary Akiona [gakiona@hawaii.rr.com]

Sent: Saturday, March 17, 2012 5:43 PM

To: JUDtestimony

My name is Gary Akiona and I oppose SB682, we need slow down developing more high rise, until the City improves our sewer systems.

Developers are building bigger and higher building and I have never heard the City or State asking these developers to pay for our over used (over capacity) sewer system. All you hear in the news is how we must pay higher sewer fees to fix our sewer system. I personally feel that my sewer fee too high. And don't feel I should continually being ask to pay for the improvement.

I suggest Honolulu should have a sewer usage cap on residential units, and as these new developments are built they have them pay a higher sewer rate. And give us old timers a financial break.

You need to stop building these luxury condos until, we can fix the sewer system and lower my sewer fees.

Aloha
Gary Akiona

Opposition to SB 682

Chelsea Iwami [iwamic88@gmail.com]

Sent: Saturday, March 17, 2012 4:59 PM

To: JUDtestimony

Attention to:

Judiciary Committee

Rep. Gilbert S.C. Keith-Aragan, Chair

Rep. Karl Rhoads, Vice Chair

Testimony in Opposition to SB 682

PLEASE NO RESIDENTIAL IN KAKA'AKO MAKAI.

Hello, I am a daily user of the Kewalos Basin Park as a surfer. There is a community of surfers, families, and fishermen that seek sanctuary in the last remaining shoreline of Oahu. We have fought previously before to restrict residential construction, but are now being faced with the same obstacle to preserve these lands. SB 682 attempts to change the zoning of Kaka'ako Makai back to residential to build soaring apartment buildings.

Living in Hawaii, international abroad, and the US mainland, I have learned that Hawaiian values are the core of Hawaiian culture and makes our beautiful state so inherently unique and precious. Residents of Hawaii must preserve what has been given to us, by practicing Hawaiian values such as:

MALAMA- to care and protect

We need to care and protect the islands that we live on. If we take care of our islands, they will give back to us unconditionally. Our lands are unlike any place in the world and it is calling for our protection. Without protectors, the shoreline of Oahu will resemble any other mainland shore. We need to care and protect the lands that give so much to us. That is why we are **IN OPPOSITION TO SB 682.**

ALOHA- to love, compassion, respect

Probably the most common and widely known Hawaiian value. Practicing aloha as Hawaii residents means that we demonstrate compassion and respect to all perceptions and beliefs even if contradictory to our own. Taking a stand of protecting our lands through love and not anger. Not raising unnecessary violence. We are taking a firm and strong belief, rooted in love for the land and water, perpetuated through Aloha to **OPPOSE SB 682.**

LOKOMAIKAI- to share with each other

Living in small island communities requires a greater commitment from its residents to live in a cohesive and peaceful environment. Not only balancing cooperation and compromises between humans, but with the land as well. Island life requires balancing human needs with the needs of nature. Kaka'ako Makai is the last untouched shoreline on Oahu's south shore. We are listening to the needs of nature, and the land that has given so much with nothing in return. That is why **WE ARE IN OPPOSITION TO SB 682.**

HOOKULEANA- take responsibility

Taking responsibility for our island, our home, is initiating action when there are threats to our daily lives. As a group, Friends of Kewalos has taken responsibility for the land, people, and the water that affects our life everyday in the biggest or smallest of ways. We have set up yearly beach clean-ups to give back to the beach that has given so much to us every single day. Not only surfers attend, but runners, walkers, bikers, fishermen, and families all use the park and beach. Practicing aloha, Friends of Kewalos took responsibility for their island and strove to protect it, and succeeded. Now Friends of Kewalos is once again taking responsibility for the same thing we fought so hard to protect. We are taking responsibility and emailing you because we are **IN OPPOSITION TO SB 682.**

NAAU PONO- nature justice

Accepting responsibility for our island I am taking action on a situation I feel is unjustified. We have fought so hard and long to protect our islands and shorelines. It is sad to see a higher power once again trying to override the voices the kama'aina. The land of Kaka'ako Makai **NEEDS** to be preserved and cared for. This is the land that generations of keiki have slide down hills, families have picnicked, surfers have surfed, fishermen have fished, and the people of Hawaii got a chance to **BE THE PEOPLE OF HAWAII.** I do not want to see this island resemble another mainland shoreline. We are a unique people, culture, and location. Generations before us have preserved the land to be what it is now, and now we need to protect it for future generations.

Opposition to SB 682

I love the islands of Hawaii, my home. I will take care and protect it with all of my ability. I know that others share this same belief. This is not only protecting the shoreline, but the Hawaiian lifestyle and culture of its residents.

I am in OPPOSITION TO SB 682.

Mahalo,
Chelsea Iwami
Manoa Valley
Chaminade Masters of Education Student

Testimony in opposition to SB 682

Testimony in opposition to SB 682

stanley yanke [yankehouse@yahoo.com]

Sent: Saturday, March 17, 2012 4:43 PM

To: JUDtestimony

JUDICIARY COMMITTEE:

Rep. Gilbert S. C. Keith-Aragan, Chair

Rep. Karl Rhoads, Vice Chair

We are not in favor of SB 682. Honolulu can not retain it's "Hawaii sense of place" by destroying its links to the ocean. Allowing residential development to proceed in the last public oceanfront land in urban honolulu puts up barriers that will deny many citizens easy access to our island heritage. Please say no to any residential development in Kaka'ako Makai.

Sincerely,

Stanley and Roxanne Yanke
Aiea

Kakaako

Kakaako

Yvette Narbut [paradisesurfer@gmail.com]

Sent: Saturday, March 17, 2012 2:40 PM

To: JUDtestimony

NO RESIDENTIAL IN KAKA'AKO MAKAI. Please leave some green space and easy access for surf.

KEEP THIS LAST PUBLIC OCEANFRONT LAND IN URBAN HONOLULU FOR ALL THE PEOPLE TO ENJOY.

This bill will set a bad precedent to open the door for further exceptions to the NO RESIDENTIAL LAW in place now and will increase the residential development in Kaka'ako Makai. Enough already.

□ YVette.

"If you did not surf today, no need to make excuses. Life is deep and wide".

Testimony in opposition to SB 682

Testimony in opposition to SB 682

Joel Nishimoto [joel.nishimoto@Halekulani.com]

Sent: Saturday, March 17, 2012 1:29 PM

To: JUDtestimony

TO: Judiciary Committee

- Rep. Gilbert S.C. Keith-Aragan, Chair
- Rep. Karl Rhoads, Vice Chair

I oppose SB 682 because there should not be any residential building in Kaka'ako Makai. This will set a precedence for future expansion in other areas of our Islands.

Kaka'ako Makai is the last ocean front urban area for the people of Honolulu to enjoy. This land should be saved for all to use and enjoy (for future generations).

Joel Nishimoto
Hawaii Kai

Kakaako

Kakaako

Reid Nishimoto [rrnishimoto@yahoo.com]

Sent: Saturday, March 17, 2012 1:12 PM

To: JUDtestimony

Reid Nishimoto , 818 King street

NO RESIDENTIAL IN KAKA'AKO MAKAI. KEEP THIS LAST PUBLIC OCEANFRONT LAND IN URBAN HONOLULU FOR ALL THE PEOPLE TO ENJOY. This bill will set a bad precedent to open the door for further exceptions to the NO RESIDENTIAL LAW in place now and will increase the residential development in Kaka'ako Makai. Enough already.

TESTIMONY IN OPPOSITION TO SB682

Paakaula, Keri-Lynn [kerilynn.paakaula@heco.com]

Sent: Saturday, March 17, 2012 12:07 PM

To: JUDtestimony

Aloha,

I am unable to attend the Public Hearing on SB682 therefore I would like to hereby express my OPPOSITION to the bill. Please keep Kakaako Makai free of residential development. This parcel is the last public oceanfront land in urban Honolulu for all to enjoy. SB682 sets a negative precedent by opening the door for further exceptions to the NO RESIDENTIAL law which is in place and will increase residential development in Kakaako Makai.

As a 54 year resident of urban Honolulu who has enjoyed the waterfront, I implore you to kill SB682.

Mahalo,

Keri-Lynn Paakaula

Kalawahine Streamside Resident

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. Any unauthorized review, use, copying, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender immediately by reply e-mail and destroy the original message and all copies.

Testimony in Opposition to SB 682

Amy McCann [amccann15@hotmail.com]

Sent: Saturday, March 17, 2012 10:33 AM

To: JUDtestimony; repkeitharagan@capitol.hawaii.gov; Rep. Karl Rhoads

To:Judiciary Committee:

Rep. Gilbert S.C. Keith-Aragan, Chair

Rep. Karl Rhoads, Vice Chair

*PLEASE do not allow private residential development in Kaka'ako makai
Keep this last public oceanfront land in urban Honolulu for all of the
people to enjoy. This bill will set a bad precedent to open the door for
further exceptions to the NO RESIDENTIAL LAW in place now and
will increase the residential development in Kaka'ako Makai. PLEASE
choose to give back to the local community and not take away.*

MAHALO,

Amy McCann
Kanaina St., Kapahulu

SB682

SB682

Lisa Zane [lzsrf@hawaiiantel.net]

Sent: Saturday, March 17, 2012 11:16 AM

To: JUDtestimony

I Lisa Zane say No to residential developement. We have problems with insufficient water, sewage problems, waste problem. We are not capable of supplimenting more homes when we have too much problems on this little island. We can't even fix our roads.

Thank You, Lisa Zane

HOUSE COMMITTEE ON JUDICIARY
Tuesday, March 20, 2012
2:45 PM, Conference Room 325
Senate Bill 682, SD1, HD1
Relating to Kaka'ako

Aloha Chair Keith-Agaran and Judiciary Committee Members:

SB 682, SD1, HD1 specifies that two **State properties in Kaka'ako Makai become residential developments exempt from public facilities fees**, and is effective upon conveyance of the two properties to the Office of Hawaiian affairs.

This testimony presents **serious concerns and strong opposition to SB 682, SD1, HD1**. This proposed legislation flies in the face of the larger public interest by negating the Legislature's intent and Governor's enactment of **HRS 206E-31.5, which prohibits residential development in Kaka'ako Makai**. This misdirected measure also flies in the face of the established community-based Master Plan for Kaka'ako Makai and the interested and affected larger community's efforts to protect and reserve Kaka'ako Makai, the last Honolulu open shoreline available to the public, as a **community gathering place for recreational, cultural and educational purposes**.

As with similar legislation proposed this year, SB 2927, SDI, this measure is a transparently conscious attempt by certain present legislators, politicians and their backers to promote and achieve massive development by **undermining and eroding present public laws that protect our finite island resources and unique environment**. Specifically, SB 682, SD1, HD1 is nothing more than a guise for enabling the proliferation of high-density development that will adversely impact Kaka'ako Makai's documented significant panoramic public and cultural views from the shoreline to the mountains, and introduce high-density crowding within this shoreline area through residential development. Further, SB682, SD1, HD1 proposes enacting a public law for a specific purpose on two specific sites granted to a specific entity, which leads to constitutional questions.

This bill is seen as a precedent to opening the floodgates to carte blanche high-density residential development on other Kaka'ako Makai properties, and **paving the way for foot-loose, unfettered vertical sprawl** in this protected shoreline recreational and cultural area with a "tunnel of towers" along both sides of Ala Moana Boulevard together with 27 other properties in Kaka'ako Mauka. This Miami Beach mindset portends disaster Honolulu as a visitor destination. ***Our island economy is dependent upon and subsidiary to our unique environment, open shoreline resources, and panoramic view planes from the ocean to the mountains.***

SB 682, SDI, HD1 is the antithesis of all that has gone before in the greater public interest for Kaka'ako Makai on behalf of present and future generations. Please HOLD this bill!

Most sincerely, Michelle S. Matson

Opposition to SB682

Opposition to SB682

jeanhnl@hawaiiantel.net [jeanhnl@hawaiiantel.net]

Sent: Saturday, March 17, 2012 12:32 AM

To: JUDtestimony

I have lived in Kaka'ako for the past nine years and have seen continued residential development/contruction in this area.

Please consider to keep Kaka'ako Makai as a green open space for all the people of Hawai'i nei.

Continued development will not benefit the majority of our people; and this must be the forefront of your consideration.

I urge the committee to oppose SB682 - it is your duty to keep this area in its present use for all to enjoy. Once land is developed, there is no turning back. We must be vigilant about precious land to be perpetuated (ho'omau), as it our responsibility (kuleana) in that we must do what is righteous (pono).

Aloha Hawai'i nei, Malama Hawai'i nei, Aloha Aina, Malama Aina!

Thank you for your consideration,

Jean Ishikawa
Kaka'ako resident

Testimony in Opposition to SB 682

Testimony in Opposition to SB 682

Emily Yeh [emrocks@gmail.com]

Sent: Saturday, March 17, 2012 12:00 AM

Judiciary Committee

Rep. Gilbert S.C. Keith-Aragan, Chair
Rep. Karl Rhoads, Vice Chair .

Tuesday, March 20, 2012
2:45 pm Rm. 325
State Capitol

Testimony in opposition to SB 682

I am writing this email to formally testify in opposition to SB 682. As one of the few convenient public spaces for multiple recreational use, my family and I have enjoyed surfing, picnicking, swimming, fishing and running at Kaka'ako. I hope we can continue to do so for generations to come.

Please help us keep Kaka'ako accessible to the public and prevent exceptions to the No Residential Law in place now.

MAHALO,
Emily Yeh
Waialae Iki

SB 682

SB 682

Chris Schweitzer [fit4life6@sbcglobal.net]

Sent: Monday, March 19, 2012 8:19 AM

To: JUDtestimony

Cc: John Shockley [shockleyjr@gmail.com]

NO ON SB 682.

Chris & Lee Schweitzer

10500 Fullbright Ave.

Chatsworth, CA 91311

E-mail: Fit4life6@sbcglobal.net

Fwd: SB 682

Fwd: SB 682

wanda chong [wandachong968@gmail.com]

Sent: Monday, March 19, 2012 8:53 AM

To: JUDtestimony

----- Forwarded message -----

From: wanda chong <wandachong968@gmail.com>

Date: Mon, 19 Mar 2012 08:48:34 -1000

Subject: SB 682

To: JUDtestimony@hawaii.gov

Dear Judiciary Committee:

I strongly oppose the passing of SB 682 and implore you to do the same. The makai area of Kakaako is the last available open ocean access that is truly accessible to the common public person and their family in Honolulu. Please do not pass this bill which would allow residential development and a certain death to the public access we now enjoy. The ocean is a privilege and blessing to access. It is an ancestral practice and it must be preserved from further encroachment or pollution. Please oppose this bill.

Sincerely,

Wanda Nalei Chong-Mendonca, Moanalua Valley

Testimony in opposition to SB 682

Testimony in opposition to SB 682

Jon Nishimoto [jon@localmotioninc.com]

Sent: Monday, March 19, 2012 12:36 PM

To: JUDtestimony

Please do not allow SB 682 to pass. It is one of the last stretches along Ala Moana that you can see the ocean from the road. We do not want it to turn into Kalakaua Avenue in Waikiki where the ocean cannot be seen through the high rise of hotels. This bill will set a bad precedent to open the door for further exceptions to the NO RESIDENTIAL LAW in place now and will increase the residential development in Kaka'ako Makai.

MAHALO,
Jon Nishimoto
Manoa

No on SB 682

No on SB 682

stephen schudell [stephenzx@sbcglobal.net]

Sent: Monday, March 19, 2012 3:35 PM

To: JUDtestimony

Please vote no on SB 682 no hotels on the beach.

Stephen Schudell

SB 682

SB 682

Rita Shockley [eartoeargrin@gmail.com]

Sent: Monday, March 19, 2012 3:25 PM

To: JUDtestimony

I want a NO vote on SB682.

Rita Shockley
Kapolei, Hi

Testimony re: SB682 Tuesday, March 20, 2112 at 2:45 p.m. Rm 325

Testimony re: SB682 Tuesday, March 20, 2112 at 2:45 p.m. Rm 325

Lowell Kurashige [lowellkurashige@yahoo.com]

Sent: Monday, March 19, 2012 6:18 PM

To: JUDtestimony

Cc: repkeitharagan@capitol.hawaii.gov; Rep. Karl Rhoads

Judiciary Committee

Rep. Gilbert S.C. Keith-Aragan, Chair
Rep. Karl Rhoads, Vice Chair

Tuesday March 20, 2012
2:45 p.m. Rm. 325

My name is Lowell Kurashige. I am strongly opposed to SB 682. There should be no residential development in Kakaako Makai. There are sufficient plans for residential development in Kakaako Mauka and the mauka side should be preserved exclusively for community recreational and cultural use.

Please always remember that the area is the KAKAAKO COMMUNITY DEVELOPMENT DISTRICT not the KAKAAKO CONDOMINIUM DEVELOPMENT DISTRICT. Please respect the language, purposes and history of HRS 206E-31.5.

Thank you very much.

Lowell Kurashige, Nuuanu

Vote NO to SB 682

Vote NO to SB 682

Y. David Schoen [ydschoen@me.com]

Sent: Monday, March 19, 2012 8:17 PM

To: JUDtestimony

Please vote in opposition to SB 682. Residential housing in Kaka'ako makai will impede public access to the oceanfront. KEEP THIS LAST PUBLIC OCEANFRONT LAND IN URBAN HONOLULU FOR ALL PEOPLE TO ENJOY. This bill will set a bad precedent to open the door to further exceptions to the NO RESIDENTIAL LAW now in place and will increase the residential development in Kaka'ako makai.

Mahalo,

David Schoen

Hiilawe Street, Pauoa, O'ahu

Testimony In Opposition of SB 682 SD 1

Testimony In Opposition of SB 682 SD 1

Neal Morisato [nemo180@gmail.com]

Sent: Monday, March 19, 2012 9:36 PM

To: JUDtestimony

Testimony In Opposition of SB 682 SD 1

COMMITTEE ON JUDICIARY

Rep. Gilbert S.C. Keith-Agaran, Chair
Rep. Karl Rhoads, Vice Chair

Rep. Tom Brower, Rep. Angus L.K. McKelvey, Rep. Rida T.R. Cabanilla, Rep. Joseph M. Souki, Rep. Mele Carroll,
Rep. Clift Tsuji, Rep. Denny Coffman, Rep. George R. Fontaine, Rep. Robert N. Herkes, Rep. Barbara C. Marumoto,
Rep. Ken Ito, Rep. Cynthia Thielen, and Rep. Sylvia Luke

NOTICE OF HEARING

DATE: Tuesday, March 20, 2012
TIME: 2:45 PM
PLACE: Conference Room 325
State Capitol
415 South Beretania Street

My name is Neal Morisato, Treasurer, Hawaii State Bodysurfing Association. I strongly oppose SB 682.

The issue is very simple. I agree with the need to bring people back to the urban core where most jobs reside, and there is more than enough opportunity for residences mauka of Ala Moana Boulevard. Allow Kaka'ako makai to benefit the many, rather than the few. Let us follow the Kaka'ako Makai vision and master plan. Let us stop bowing to the ordinary and, for a change, do something extraordinary.

Mahalo for allowing me to voice my opinion.

Respectfully,

Neal Morisato
Honolulu

Judiciary Committee

Rep. Gilbert S.C. Keith-Aragan, Chair
Rep. Karl Rhoads, Vice Chair

Testimony in opposition to SB 682

Aloha my name is Darren Tanaka I have used the Kewalo area for over 30 years to dive, surf, and exercise and throughout the years I have seen many changes, some good, and some bad. One of the good changes was the development of the Kewalo Basin Park and the Kaka'ako Waterfront Park, places where people can go to relax, exercise, and relieve stress to enjoy the land and ocean.

One of the bad things is the residential high rises that have been developed in increasing numbers Mauka of Ala Moana Blvd, and more are coming, creating increased density and traffic. All of this came to a head in 2005 when the State wanted to sell public land on the Makai side to a private developer to build luxury high rises on this public oceanfront land.

Today, there is a NO RESIDENTIAL LAW in Kaka'ako Makai. (KM).
Today, there is a Conceptual Master Plan for KM.
Today, there is a Vision Statement for KM "A People's Gathering Place".
Today, there are 14 Guiding Principles for KM.

All of this is the result of 5 years of hard work and collaboration by the People, the Legislature, and HCDA. The Master Plan was recently adopted by HCDA in May of 2011. It is a very important document because it serves as the basis for all development in KM.

Friends of Kewalos does not oppose SB 2783, the OHA land settlement bill. We believe that this issue needs to be resolved. It has been too long.

What we do oppose is SB 682 because it will undo all the hard work that has been done to preserve this land for the **ALL** the People.

Also the bigger picture is this; it will set a bad precedent for future exceptions to the law and will ultimately open the door for more residential high-rise development in KM.

Additionally it is an unnecessary bill because OHA has made it clear that they are willing to take the land as is without the residential entitlements.

Please keep this special place, the last public oceanfront land in urban Honolulu, for the People now and for future generations to enjoy.

For these reasons, please vote NO on SB 682

Mahalo,
Darren Tanaka
Friends of Kewalos

Judiciary Committee Rep. Gilbert S.C. Keith-Aragan, Chair Rep. Karl Rhoads, Vice Chair Tuesday, March 20, 2012 2:45 pm Rm. 325 State Capitol Testimony in opposition to SB 682

Shaka Demon [manoashaka@yahoo.com]

Sent: Monday, March 19, 2012 9:40 PM

To: JUDtestimony

Judiciary Committee

Rep. Gilbert S.C. Keith-Aragan, Chair
Rep. Karl Rhoads, Vice Chair

Tuesday, March 20, 2012
2:45 pm Rm. 325
State Capitol

Testimony in opposition to SB 682

***PLEASE NO RESIDENTIAL IN KAKA'AKO MAKAI.
KEEP THIS LAST PUBLIC OCEANFRONT LAND IN
URBAN HONOLULU FOR ALL THE PEOPLE TO
ENJOY. This bill will set a bad precedent to open the
door for further exceptions to the NO RESIDENTIAL
LAW in place now and will increase the residential
development in Kaka'ako Makai.***

**MAHALO,
Braden Iwami a resident of Manoa Valley**

Fwd: In Strong Opposition to SB 682

Fwd: In Strong Opposition to SB 682

Al Balderama Gmail [hsba.prez@gmail.com]

Sent: Tuesday, March 20, 2012 5:13 AM

To: JUDtestimony

----- Forwarded message -----

From: **Al Balderama Gmail** <hsba.prez@gmail.com>

Date: Tue, Mar 20, 2012 at 4:51 AM

Subject: In Strong Opposition to SB 682

To: repcarrol@capitol.hawaii.gov, repcoffman@capitol.hawaii.gov, rekeitharagan@capitol.hawaii.gov, reprhoads@capitol.hawaii.gov, repherkes@capitol.hawaii.gov, repabanilla@capitol.hawaii.gov, repito@capitol.hawaii.gov, repluke@capitol.hawaii.gov, repmckelvey@capitol.hawaii.gov, repsouki@capitol.hawaii.gov, reptsuji@capitol.hawaii.gov, repfountain@capitol.hawaii.gov, repmuramoto@capitol.hawaii.gov, repthielen@capitol.hawaii.gov

Aloha Honorable State Representatives,

On behalf of the Hawaii State Bodysurfing Association:

"PLEASE NO RESIDENTIAL IN KAKA'AKO MAKAI. KEEP THIS LAST PUBLIC OCEANFRONT LAND IN URBAN HONOLULU FOR EVERYONE TO ENJOY. ESPECIALLY FOR OUR KEIKI."

Senate Bill 682 will set a bad precedent to open the flood gate for further exceptions to the NO RESIDENTIAL LAW in place now and will increase the residential development in Kaka'ako Makai. Please vote NO to SB 682.

Mahalo for your support,

--

AL BALDERAMA

President

Hawaii State Bodysurfing Association

94-328 Alula Place

Mililani, HI 96789

Cell: 808-864-1329

"Hopupu i ke kaha nalu"

To Be Extremely Emotionally Excited About Bodysurfing.

To Bring Bodysurfers together.

Testimony for SB682 on 3/20/2012 2:45:00 PM

Testimony for SB682 on 3/20/2012 2:45:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 20, 2012 6:57 AM

To: JUDtestimony

Cc: cwjerome@gmail.com

Testimony for JUD 3/20/2012 2:45:00 PM SB682

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Craig Jerome

Organization: Individual

E-mail: cwjerome@gmail.com

Submitted on: 3/20/2012

Comments:

Aloha Honorable State Representatives,

On behalf of myself and other users of Kakaako Waterfront Park:

"PLEASE NO RESIDENTIAL IN KAKA'AKO MAKAI. KEEP THIS LAST PUBLIC OCEANFRONT LAND IN URBAN HONOLULU FOR EVERYONE TO ENJOY. ESPECIALLY FOR OUR KEIKI."

Senate Bill 682 will set a bad precedent to open the flood gate for further exceptions to the NO RESIDENTIAL LAW in place now and will increase the residential development in Kaka'ako Makai. Please vote NO to SB 682.

Mahalo for your support,

Craig W. Jerome

Honolulu Hawai'i

Member

Hawai'i State Bodysurfing Association

Hui O He'e Nalu